



10-30-02

RCE/3618

PTO/SB/30 (08-00)

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Request for RCE  
11-7-02  
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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/780,603
Filing Date	February 12, 2001
First Named Inventor	Kirt E. Whiteside
Group Art Unit	3618
Examiner Name	Jeffrey J. Restifo
Attorney Docket Number	WHS.P0018A

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

*Note:* 37 C.F.R. §1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. §1.53(d) (PTO.SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission Required under 37 C.F.R. §1.114

- a. ☐ Previously submitted
  - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on (Any un-entered amendments(s) referred to above will be entered).
  - iii. ☐ Consider the Arguments in the Appeal Brief or Reply Brief previously filed on
- b. ☒ Enclosed
  - i. ☒ Preliminary Amendment
  - ii. ☐ Affidavit(s)/Declaration(s)
  - iii. ☐ Information Disclosure Statement (IDS)
  - iv. ☒ Other Request for Extension of Time, Transmittal Sheet, Postcard and Check

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## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R., §1.17(i) required)
- b. ☐ Other

## 3. Fees


- a. ☒ The Director is hereby authorized to charge any additional fees, or credit any overpayments, to Deposit Account No. **18-0987**
  - i. ☐ RCE fee required under 37 C.F.R. §1.17 (e)
  - ii. ☐ Extension of Time Fee (37 C.F.R. §§ 1.136 and 1.17)
  - iii. ☐ Other
- b. ☒ Check in the amount of \$425.00 is enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print Type)	Edward G. Greive	Registration No. (attorney Agent)	24,726
Signature	Edward G. Greive	Date	10/29/02

### Certificate of Mailing or Transmission

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Name (print Type)	Norma J. Payerle		
Signature		Date	10-29-02

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of )

KIRT E. WHITESIDE )

Serial No. 09/780,603 )

Filed February 12, 2001 )

For MECHANIC'S CREEPER )

Group Art Unit 3618

J. Restifo, Examiner

**CERTIFICATE OF MAILING  
VIA EXPRESS MAIL**

I hereby certify that the following correspondence was deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Box RCE  
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on this \_\_\_\_\_ day of October 2002

Norma J. Payerle, Secretary to Edward G. Greive  
Express Mail Label No. EL725990509US

**REQUEST FOR CONTINUED EXAMINATION (RCE) (37 C.F.R. 1.114)**

Box RCE  
Commissioner for Patents  
Washington, D.C. 20231

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GROUP 3600

Sir(s):

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

**TIME REQUEST IS BEING MADE**

2. This request is being submitted (check appropriate item(s) below):

- i. ☒ Prior to abandonment of the application.
- ii. ☐ Payment of the issue fee
  - ☐ Prior to payment of issue fee.
  - ☐ Issue fee has been paid but a petition under § 1.313 has been granted.
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences.
  - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that is Request for Continued Examination is being filed.
- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or ☐ Commencement of a civil action under 35 U.S.C. 146

- ☐ Prior to the filing of such appeal or commencement of civil action.
- ☐ Such appeal or commencement of civil action has been terminated.

**ENCLOSURES**

3. Enclosed herewith is/are:

- ☐ An information disclosure (37 C.F.R. §1.98)
  - ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☒ A Preliminary Amendment
- ☐ New Arguments
- ☐ New evidence in support of patentability
- ☒ Other: Request for Continued Examination (RCE) Transmittal, Request for Extension of Time, Transmittal Sheet, postcard and check

**FEE FOR REQUEST (37 C.F.R. §1.17(e))**

4. This application is on behalf of:

- ☒ Small entity (and status is still as small entity) ..... \$370.00
- ☐ Other than a small entity ..... \$740.00
- ☒ Continued Prosecution Request Fee ..... **\$370.00**

**FEE FOR CLAIMS**

5. The fee for claims (37 C.F.R. §1.16(b)-(d)) has been calculated as shown below:

Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Small	Addit. Fee	Large	Addit. Fee
Total 17	Minus 20	=0	x\$9.00	=0	x\$18.00	=0
Indep 2	Minus 3	=0	x\$42.00	=0	x\$84.00	=0
Multiple Dep.			+\$140.00		+\$280.00	
		<u>Total Small = \$0</u>			<u>Total Large = \$0</u>	

(a) ☒ No additional fee is required.

OR

(b) ☐ Total additional fee required is \$\_\_\_\_\_

**EXTENSION OF TIME**

6. The proceedings herein are for a patent application, and the provision of 37 C.F.R. § 1.136(a) apply.

(a) ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below.

Extension for Months	Fee for Large Entity	Fee For Small Entity
<input checked="" type="checkbox"/> One Month	\$110.00	\$55.00
<input type="checkbox"/> Two Months	\$400.00	\$200.00
<input type="checkbox"/> Three Months	\$920.00	\$460.00
<input type="checkbox"/> Four Months	\$1440.00	\$720.00

Fee: **\$55.00**

If an additional extension of time is required, please consider this a petition therefor.

*(Check and complete the next item, if applicable)*

☐ An Extension for\_\_ months has already been secured, and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.  
Extension fee due with this request \$\_\_\_\_\_

OR

☐ Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE(S) DUE**

7. The total fee(s) due is/are:

Continued Prosecution fee (§ 1.17(e))

**\$370.00**

Fee(s) for additional claims (if any) § 1.16(b)-(d))	\$0.00
Extension of time fee (if any) (§ 1.17(a)(1)-(4))	\$55.00
<b>Total Fee(s) Due:</b>	<b><u>\$425.00</u></b>

8. Please pay the fee(s) for this continued examination application as follows:

- ☒ Check is attached for the sum of **\$425.00**.
- ☐ Charge Account No. 18-0987 the sum of \$\_\_\_\_\_.
- ☐ Charge Credit Card Payment Form (PTO-2038) \$\_\_\_\_\_.

Please charge any required additional fee(s) for § 1.17(e), § 1.16(b)-(d) and/or (§ 1.17(a)(1)-(4)).

- ☒ Account No. **18-0987**
- ☐ Credit Card (Credit Card Payment Form (PTO-2038) attached.

#### INVENTORSHIP

9. This application as amended names as inventors:
- ☒ the same inventors as previously designated for the claims.
  - ☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.
  - ☐ A person not named previously as an inventor and a petition under 37 C.F.R. § 1.48 is/has separately: ☐ being filed ☐ been filed.

#### DEFERRAL OF EXAMINATION

10. ☐ A request for deferral of examination accompanies this request for continued examination.

Respectfully submitted,



Edward G. Greive, Reg. No. 24,726  
Renner, Kenner, Greive, Bobak, Taylor & Weber  
Fourth Floor, First National Tower  
Akron, Ohio 44308-1456  
Telephone: (330) 376-1242  
Attorney for Applicant

October 29, 2002